United Nations A/HRC/37/19

General Assembly

Distr.: General
26 December 2017

Original: English

Human Rights Council
Thirty-seventh session
26 February–23 March 2018
Agenda item 2
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Note by the Secretary-General

Summary

The present note provides information on the status of the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, including on its critical financial situation.

GE.17-23255(E)

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I. Introduction

A. Submission of the report

1. The present note was prepared in accordance with General Assembly resolution 68/156, in which the Assembly encouraged contributions to the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and requested the Secretary-General to report to the Human Rights Council on the operations of the Special Fund. The present report covers the activities of the Special Fund between 1 January and 1 December 2017.

B. Mandate of the Special Fund

2. The Special Fund was established pursuant to article 26 of the Optional Protocol to help finance the implementation of the recommendations made by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment following a visit to a State party to the Optional Protocol, and to finance education programmes of national preventive mechanisms.

3. The Special Fund receives voluntary earmarked contributions from Governments, intergovernmental and non-governmental organizations and other private or public entities.

C. Management of the Special Fund

4. The Special Fund is administered by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with the Financial Regulations and Rules of the United Nations.

D. Eligibility criteria

5. Applications may be submitted by State institutions of States parties to the Optional Protocol and by their national preventive mechanisms, that the Subcommittee has visited and that have agreed to publication of the Subcommittee report. Applications may also be submitted by national human rights institutions compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) or non-governmental organizations, if the proposed projects are to be implemented in cooperation with eligible States parties and/or national preventive mechanisms. Only applications relating to recommendations on the establishment or effective functioning of national preventive mechanisms contained in visit reports of the Subcommittee that have been published in accordance with article 16 (2) of the Optional Protocol, which are hence no longer confidential, may be considered.

II. Activities of the Special Fund

A. 2018 project cycle

6. The sixth call for applications to the Special Fund, for grants for projects to be implemented in 2018, closed on 1 March 2017. Projects concerning 21 eligible States and their national preventive mechanisms (Argentina, Armenia, Benin, Brazil, Chile, Ecuador, Gabon, Germany, Honduras, Italy, Kyrgyzstan, Maldives, Mali, Malta, Mexico, Netherlands, New Zealand, Paraguay, Republic of Moldova, Sweden and Ukraine) and one eligible national preventive mechanism (Senegal) could be submitted. Applicants could request grants of up to $25,000 for project activities to be implemented between 1 January and 31 December 2018.

7. A total of 37 applications were received, concerning 12 eligible States (Argentina, Armenia, Benin, Brazil, Chile, Ecuador, Honduras, Kyrgyzstan, Mexico, Paraguay, Republic of Moldova, and Senegal). In accordance with the guidelines for applications, the secretariat of the Special Fund conducted an extensive evaluation of the project proposals received within the deadline, in consultation with the Office of the United Nations High Commissioner for Human Rights (OHCHR) field and regional offices and with the country rapporteurs of the Subcommittee on Prevention of Torture. The Subcommittee's working group on the Special Fund and on capacity-building reviewed the substantive part of the project proposals and recommended 11 projects for grants, during its session in June. Following review by the OHCHR Grants Committee, 11 grants were awarded to projects aimed at implementing Subcommittee recommendations focusing on the establishment or strengthening of national preventive mechanisms in nine eligible States (Argentina, Armenia, Brazil, Ecuador, Honduras, Kyrgyzstan, Mexico, Republic of Moldova, and Senegal), for a total of $273,096.00 (see annex).

8. Since its first call for applications for projects to be implemented in 2012, the Fund has supported a variety of technical cooperation projects in 13 countries worldwide. These projects have resulted in legislative changes — such as bringing countries' laws into accordance with international human rights standards on torture prevention (including the revision of codes of criminal procedure, prison acts, and laws prohibiting abusive body search for persons deprived of their liberty), as well as laws seeking to establish national preventive mechanisms on torture; institutional changes — such as establishing or strengthening the effective functioning of national preventive mechanisms on torture or other relevant institutions, and establishing registers of detainees and so on; operational changes — due to enhanced knowledge and skills of the judiciary and of law enforcement and medical personnel; and changes in people's lives — including, in one case, a reported decrease of violence against children in detention facilities. The projects also contributed to increased awareness by persons deprived of their liberty of their rights, through the development and dissemination of manuals. Through its projects, the Fund has engaged with more than 2,000 people and national entities, including national preventive mechanisms, ministries of the interior and justice, ombudsman institutions, hospitals, prisons, the police and civil society actors.[1]

9. The projects have addressed real gaps and needs in torture prevention, identified by the Subcommittee on the ground, and have been instrumental in implementing the Subcommittee's recommendations. The Special Fund is unique in linking the recommendations of an independent treaty-based expert committee with work on the ground, and an opportunity to apply for a Special Fund grant can serve as an incentive for publication of the Subcommittee's visit reports.

B. Other activities of the Fund

10. Given the Fund's focus on establishing and strengthening national preventive mechanisms, and in response to increasing demand from the field, OHCHR has developed the OHCHR practical guide on national preventive mechanisms on torture prevention, which will be published at the beginning of 2018. The guide was prepared in close collaboration with Subcommittee experts and OHCHR field officers experienced in supporting the establishment of national preventive mechanisms or assisting in strengthening them on the ground. It also reflects good practices for projects supported by Special Fund grants. The guide is intended to assist the authorities of States that are planning to establish or are seeking to strengthen their national preventive mechanism, as well as the staff of national preventive mechanisms themselves. It is expected also to be a useful tool for experts and professionals involved in preventing and combating torture, for civil society organizations and for the general public.

[1] Information from the final reports on projects' implementation submitted to the Special Fund secretariat by the grantees.

11. In regard to promotion and fundraising, a reception was hosted by the Permanent Mission of Czechia to the United Nations Office and other international organizations in Geneva, on 14 November 2017, to promote the Special Fund. The Chairs of the Subcommittee on Prevention of Torture and of the Committee against Torture, and representatives of OHCHR, updated Member States on the outcomes of the projects supported by the Special Fund, highlighting their real impact on torture prevention on the ground. They encouraged further contributions, in order to enable the Special Fund to carry out its unique and very important work.

III. Financial situation of the Special Fund

12. The Special Fund is the only functional fund established by an international human rights treaty. Since its creation in 2012, the Fund has supported a total of 36 projects, for a total amount of $1,258,400, in 13 States across four regions.

13. Fund activities should be commensurate with the growth of the activities of the Subcommittee, which have resulted in an expanding number of States eligible for the Fund: in 2015 there were 13 eligible States, and by the end of 2017 there were 22. This trend is expected to continue while countries are encouraged to ratify the Optional Protocol and to accept publication of the Subcommittee's visit reports.

14. The minimum amount required on an annual basis to guarantee the functioning of the Special Fund would be some $500,000, which would enable the Fund to support an average of 10 to 20 projects per year, with a reasonable level of funding per project (e.g. $25,000). However, the Fund did not receive sufficient financial contributions during 2017; only two contributions totalling $50,437.70 were received, and one pledge of $139,040.

Contributions to the Special Fund (1 January–31 December 2016)

Donor	*Amount (United States dollars)*	*Date of receipt*
Argentina	$10 000	4 March 2016
Spain	$38 846	29 November 2016
Czechia	$7 849	6 December 2016
Germany	$222 930	8 December 2016
Total contributions received	**$279 625**	

Contributions to the Special Fund (1 January–10 December 2017)

Donor	*Amount (United States dollars)*	*Date of receipt*
Czechia	$9 164.12	15 September 2017
Spain	$41 273.58	30 October 2017
Total contributions received	**$50 437.70**	

Pledges to the Special Fund (1 January–10 December 2017)

Donor	*Amount (United States dollars)*	*Date of receipt*
Germany	$139 040	6 December 2016
Total contributions received	**$139 040**	

IV. Making a contribution

15. Contributions to the Special Fund may be accepted from Governments, intergovernmental or non-governmental organizations, private sector organizations and the

public at large, in accordance with the Financial Regulations and Rules of the United Nations. Only funds earmarked for the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment will be channelled to the Fund.

16. Contributions to the Special Fund should always be marked "Payee: Special Fund established by the Optional Protocol to the Convention against Torture, account CH". Payments may be made either:

(a) By bank transfer in United States dollars, to the UNOG General Fund, account No. 485001802, J.P. Morgan Chase Bank, 270 Park Avenue, 43rd floor, New York, NY 10017, United States of America (Swift code: CHAS US 33; bank number: (ABA) 021000021;

(b) By bank transfer in euros, to the United Nations Office at Geneva, account No. 6161600934, J.P. Morgan Chase AG, Grueneburgweg 2 — 60322 Frankfurt am Main, Germany (Swift code: CHAS DE FX, bank number: (BLZ) 50110800, IBAN: DE78 5011 0800 6161 6009 34);

(c) By bank transfer in pounds sterling, to the United Nations Office at Geneva, account No. 23961903, J.P. Morgan Chase Bank, 25 London Wall, London EC2Y 5AJ, United Kingdom of Great Britain and Northern Ireland (Swift code: CHAS GB 2L, bank number: (SC) 609242, IBAN: GB68 CHAS 6092 4223 9619 03);

(d) By bank transfer in Swiss francs, to the United Nations Geneva General Fund, account No. 240-C0590160.0, UBS AG, rue du Rhône 8, case postale 2600, CH-1211 Geneva 2, Switzerland (Swift code: UBSW CH ZH 80A; bank number: 240; IBAN: CH92 0024 0240 C059 0160 0);

(e) By bank transfer in other currencies, to the United Nations Geneva General Fund, account No. 240-C0590160.1, UBS AG, rue du Rhône 8, case postale 2600, CH-1211 Geneva 2, Switzerland (Swift code: UBSW CH ZH 80A; bank number: 240; IBAN: CH65 0024 0240 C059 0160 1);

(f) Or by cheque, payable to the United Nations, addressed to the Treasury, United Nations, Palais des Nations, CH-1211 Geneva 10, Switzerland.

17. Donors are requested to inform the Donor and External Relations Section of OHCHR when a payment has been made (including a copy of the bank transfer order or of the cheque) to facilitate effective follow-up to the official recording procedure and the preparation of reports of the Secretary-General.

V. Recommendations

18. **The Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is a unique mechanism of torture prevention and the only operational fund established by an international human rights treaty. Its support for national preventive mechanisms, the establishment of which is a core obligation under the Optional Protocol, can be a key tool in torture prevention at the national level.**

19. **The minimum required on an annual basis to guarantee a functioning Fund would be some $500,000, which would enable the Fund to support an average of 10 to 20 projects per year, with a reasonable level of funding per project (e.g. $25,000).**

20. **The Secretary-General appreciates contributions provided to the Special Fund as well as the Member States' growing interest in the Fund's activities. However, the Special Fund has not yet received sufficient financial contributions during 2017. The Secretary-General therefore calls upon Governments, intergovernmental and non-governmental organizations and other private or public entities to provide sustained financial support to this important mechanism of torture prevention.**

Annex

Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: projects approved by the Office of the United Nations High Commissioner for Human Rights Grants Committee since the establishment of the Fund

	State	*Project summary*	*Implementing entity*	*Year of project*	*Grant amount (United States dollars)*
1	Argentina	Legal reform towards the establishment of the state preventive mechanism in Tucuman, and training of judges, penitentiary officers and social workers on the rights of detainees	Abogados y Abogadas del Noroeste Argentino en Derechos Humanos y Estudios Sociales (provincial preventive mechanism)	2015	35 000.00
2	Argentina	Collecting data regarding violence in contexts of confinement, elaborating a study manual for prison staff, offering training for the penitentiary authorities, carrying out public events to strengthen the local preventive mechanism	Xumek	2018	25 000.00
3	Armenia	Strengthening of the national preventive mechanism	Penal Reform International	2016	25 000.00
4	Armenia	Enhancing the capacity of members of the national preventive mechanism via training sessions and equipment, and increasing the awareness of the national preventive mechanism's mandate	Human Rights Defender of Armenia	2018	24 985.00
5	Benin	Implementation of the Subcommittee recommendations concerning the protection of children deprived of their liberty	World Organization against Torture (non-governmental organization) in partnership with Enfants solidaires d'Afrique et du monde (local non-governmental organization)	2012	19 539.00
6	Benin	Implementation of the Subcommittee recommendations concerning the protection of children deprived of their liberty	World Organization against Torture (non-governmental organization) in partnership with Enfants solidaires d'Afrique et du monde (local non-governmental organization)	2013	44 428.00
7	Benin	Informing detainees of their fundamental rights and reducing overpopulation in places of detention through improved identification of cases of arbitrary detention by State actors and civil society	International Federation of Action by Christians for the Abolition of Torture (non-governmental organization)	2014	35 000.00

	State	Project summary	Implementing entity	Year of project	Grant amount (United States dollars)
8	Benin	Improving detention conditions of children deprived of their liberty in penitentiary institutions as well as in police and gendarmerie facilities, and training of juvenile justice judges to be recruited for the newly established child-friendly courts, as provided in the revised Children's Code	World Organization against Torture (non-governmental organization)	2016	15 820.00
9	Brazil	Implementation of the Subcommittee recommendations concerning the protection of children deprived of their liberty in Brazil	World Organization against Torture (non-governmental organization) in partnership with Justiça Global (local non-governmental organization)	2014	34 802.00
10	Brazil	Supporting the Rio de Janeiro preventive mechanism and promoting the establishment of torture preventive mechanisms in other states of Brazil	Justiça Global (in partnership with the Rio de Janeiro preventive mechanism)	2015	35 000.00
11	Brazil	Supporting the work of the Federal Preventive Mechanism and advocating for the establishment of state preventive mechanisms in São Paolo and Maranhão	Associação Direitos Humanos em Rede (Conectas)	2016	25 000.00
12	Brazil	Generating recommendations for the National Justice Council and for the authorities of the São Paulo Public Security Department and the authorities of the Department of Enquiries and the Judiciary Police; organizing a workshop for legal practitioners about torture carried out against women, and their particular vulnerabilities; and preparing an advocacy strategy for the establishment of a local preventive mechanism	Conectas Human Rights	2018	25 000.00
13	Brazil	Building the capacity of the key actors in Brazil, and in particular in the states of Rio de Janeiro and Santa Catarina, delivering training-of-trainers seminars about the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), and working with the national preventive mechanism and local preventive mechanisms to develop an advocacy and knowledge-dissemination programme	International Bar Association	2018	24 927.00

	State	Project summary	Implementing entity	Year of project	Grant amount (United States dollars)
14	Brazil	Increasing the understanding and cooperation among preventive mechanisms, law enforcement agencies, and civil society organizations working on juvenile justice, and increasing the visibility of the torture prevention network in Brazil	World Organization against Torture	2018	25 000.00
15	Ecuador	Strengthening the multidisciplinary team for national preventive mechanism visits, and raising awareness of the national preventive mechanism mandate; increasing accessibility of places of deprivation of liberty for national preventive mechanism visits; and ameliorating the visibility of the national preventive mechanism and the dialogue with civil society organizations	Mecanismo Nacional de Prevencion de la Tortura, Tratos Crueles, Inhumanos y Degradantes	2018	25 000.00
16	Honduras	Training for prison staff on human rights standards and prevention of torture	Ministry of Justice and Human Rights	2012	20 000.00
17	Honduras	Technical support for the national preventive mechanism in Honduras and training for judges, prosecutors and public defenders	Regional Office for Latin America of the Association for the Prevention of Torture (non-governmental organization) in Panama	2012	14 847.00
18	Honduras	Legal reform and support for the national preventive mechanism in Honduras	Regional Office for Latin America of the Association for the Prevention of Torture (non-governmental organization) in Panama	2013	30 325.00
19	Honduras	Training on the rights and duties of persons deprived of liberty	National Committee for the Prevention of Torture and Other Cruel, Inhuman and Degrading Treatment (national preventive mechanism)	2014	35 000.00
20	Honduras	Supporting the national preventive mechanism of Honduras in effectively implementing Subcommittee recommendations	Regional Office for Latin America of the Association for the Prevention of Torture (non-governmental organization) in Panama	2015	34 966.65
21	Honduras	Training of judicial officials and students on the Istanbul Protocol	Centro de Prevencion, Tratamiento y Rehabilitacion de la Victimas de la Tortura y sus Familiares (non-governmental organization)	2015	34 995.05
22	Honduras	Drafting a law for amendments to the existing national preventive mechanism law and lobbying for its adoption, and increasing the technical capacities of national preventive mechanism staff and creating manuals on the monitoring of places of detention	Centro de Prevencion, Tratamiento y Rehabilitacion de la Victimas de la Tortura y sus Familiares (non-governmental organization)	2018	25 000.00
23	Kyrgyzstan	Increasing national preventive mechanism capacities in regard to safeguards in the first hours of detention (identifying legislative gaps, lobbying for legal reform) and to monitoring mental health	Association for Prevention of Torture	2018	25 000.00

	State	Project summary	Implementing entity	Year of project	Grant amount (United States dollars)
		institutions			
24	Maldives	Notifying fundamental rights to foreign detainees in their local language	Human Rights Commission of Maldives (national preventive mechanism)	2012	13 200.00
25	Maldives	Supporting the national preventive mechanism of Maldives in implementing the Subcommittee recommendations effectively	Association for the Prevention of Torture (in partnership with the Human Rights Commission of Maldives) (non-governmental organization)	2012	20 000.00
26	Maldives	Supporting the national preventive mechanism of Maldives in implementing the Subcommittee recommendations effectively	Human Rights Commission of Maldives (national preventive mechanism)	2013	15 328.60
27	Maldives	Understanding the risk of violence against Maldivian children deprived of their liberty	Juvenile Justice Unit, Ministry of Home Affairs	2014	23 786.00
28	Maldives	Development and delivery of Istanbul Protocol training on the investigation and documentation of torture and other ill-treatment	Redress Trust (non-governmental organization)	2014	34 876.15
29	Mexico	Providing training on the use of the Istanbul Protocol	Colectivo contra la Tortura y la Impunidad (non-governmental organization)	2012	19 807.00
30	Mexico	Training for the Mexican judiciary on combating torture, in partnership with the Office of the United Nations High Commissioner for Human Rights, members of the Subcommittee and key national justice institutions	International Bar Association's Human Rights Institute (non-governmental organization)	2013	46 855.00
31	Mexico	Training workshop on human rights and the prevention of torture with a gender perspective	Government of Oaxaca	2014	35 000.00
32	Mexico	Supporting the work of the Federal Prosecutor regarding the monitoring and evaluation of medico-legal assessments	Asistencia Legal por los Derechos Humanos (non-governmental organization)	2015	35 000.00
33	Mexico	Strengthening the capacity of criminal court judges to exercise effective judicial control in places of detention, including for torture prevention purposes	Documenta — Análisis y Acción para la Justicia Social, A.C.	2016	24 813.00
34	Mexico	Revising the methodology of the national preventive mechanism's preventive monitoring, with a special focus on the first hours of detention	Association for Prevention of Torture — Panama	2018	24 914.06

	State	Project summary	Implementing entity	Year of project	Grant amount (United States dollars)
35.	New Zealand	Establishing an evidence base to inform the ongoing discussion on institutional, legislative and behavioural changes regarding the use of seclusion and restraint across places of deprivation of liberty in New Zealand, and contributing to the development of a standardized and consistent approach to seclusion and restraint in order to eliminate de facto discrepancies among the various places of deprivation of liberty in New Zealand	Human Rights Commission	2016	24 775.00
36.	New Zealand	Strengthening the capacity of the Office of the Ombudsman to monitor and report the detention conditions of persons with psychosocial disabilities and mental health issues in various places of deprivation of liberty, including penitentiary institutions, mental health institutions and disability places of detention, as well as immigration detention facilities	Office of the Ombudsman	2016	18 699.00
37.	Paraguay	Systematization of police records	Ministry of the Interior	2012	19 984.00
38.	Paraguay	Design of fair-trial indicators allowing for the monitoring of constitutional guarantees of lawful detention and the presumption of innocence	Supreme Court of Justice	2012	20 000.00
39.	Paraguay	Support for the work of the national body in charge of the selection of commissioners for the future national preventive mechanism	Ministry of Justice and Labour	2012	19 500.00
40.	Paraguay	Contribution to the development of public policies aimed at the prevention of torture and cruel, inhuman or degrading treatment or punishment within the purview of the judiciary	Supreme Court of Justice	2013	35 730.00
41.	Paraguay	Promoting the fundamental human rights of persons deprived of liberty, and citizen engagement against torture, in Paraguay	Fundacion "Celestina Perez de Almada"	2014	34 520.00
42.	Paraguay	Strengthening of institutional capacities to monitor and investigate torture and ill-treatment by assisting the national preventive mechanism's work, conducting research on root causes of torture and ill-treatment, liaising with relevant stakeholders and facilitating the development of groups of the victims' families	Coordinadora de Derechos Humanos del Paraguay	2016	25 000.00

	State	Project summary	Implementing entity	Year of project	Grant amount (United States dollars)
43	Republic of Moldova	Facilitating the resumption of the work of the national preventive mechanism, strengthening its visibility and its influence on the relevant State authorities, and supporting the national preventive mechanism in the discharging of its monitoring and reporting mandate	Institute for Democracy	2016	25 000.00
44	Republic of Moldova	Developing a visibility strategy for the national preventive mechanism for 2018, raising the awareness of national preventive mechanism activities in 2017, and improving the dialogue between the national preventive mechanism members, the Ombudsperson's Office and relevant national entities/institutions to examine effectively the recommendations of the national preventive mechanism and implementation measures	Institute for Penal Reform (national preventive mechanism)	2018	23 270.00
45	Senegal	Supporting the national preventive mechanism of Senegal in implementing Subcommittee recommendations effectively	Observateur National des Lieux de Privation de Liberté (national preventive mechanism)	2015	34 770.90
46	Senegal	Supporting the national preventive mechanism of Senegal in implementing Subcommittee recommendations effectively	Association for the Prevention of Torture (in partnership with the Observateur National des Lieux de Privation de Liberté — the Senegalese national preventive mechanism)	2015	18 937.50
47	Senegal	Increasing the number of national preventive mechanism visits with a focus on persons with mental illness, disability, and HIV/AIDS, and on juveniles; and training of law enforcement officers on treatment of persons deprived of their liberty and raising the public's awareness of the national preventive mechanism (radio programmes in rural areas)	Observateur National des Lieux de Privation de Liberté (national preventive mechanism)	2018	25 000.00
Total grants approved					**1 258 400**